UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

COMMIL USA, LLC,	
Plaintiff,	CIVIL ACTION NO. 2:07-cv-341-DF-CE
v.	
CISCO SYSTEMS, INC. and ARUBA NETWORKS, INC.,	
Defendants.	

ORDER GRANTING AGREED MOTION TO MODIFY

THE DOCKET CONTROL ORDER

It is hereby ORDERED that pursuant to the parties' Agreed Motion to Modify the Docket Control Order, the following schedule of deadlines is in effect until further order of this Court:

Event	Agreed Date
Final Infringement Contentions	November 30, 2009
Final Invalidity Contentions	December 11, 2009
Completion of fact Discovery	December 21, 2009
Opening expert reports	December 23, 2009
Rebuttal expert reports	January 26, 2010
Completion of expert discovery	February 2, 2010
Deadline for objecting to other parties' expert witnesses	February 4, 2010
Deadline for filing dispositive motions and *Daubert* motions	February 4, 2010
Deadline for late mediation at the parties' request	February 12, 2010
Deadline for filing responses to dispositive motions and *Daubert* motions	February 18, 2010
Deadline for filing replies in support of dispositive motions and *Daubert* motions	February 25, 2010

Event	Agreed Date
Pretrial disclosures Deadline for Commil to provide its information for Joint Final Pretrial Order, Jury Instructions, and Verdict Form Deadline for Defendants to provide their information for Joint Final Pretrial Order, Jury Instructions, and Verdict Form	March 26, 2010
Parties file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms, and Motions in Limine Parties meet and confer prior to initial pretrial conference regarding motions in limine, deposition designations, and exhibits, and submit to the Court any written objections thereto	April 13, 2010
Pretrial Conference and hearing on Motions in Limine, objections to deposition designations, and objections to exhibits	April 30, 2010, 9:30 a.m.
Jury Selection	May 6, 2010, 9:00 a.m.
Trial	May 10, 2010, 8:30 a.m.

It is further ORDERED that:

(1) The discrete fact discovery set out below, and only the discovery set out below, shall be completed no later than January 22, 2009, absent further agreement of the parties or Order of this Court:

(a) Any deposition(s) conducted pursuant to Plaintiff's December 11, 2009 Notice of Deposition of Cisco Systems, Inc.;

(b) Any deposition(s) conducted pursuant to Plaintiff's December 11, 2009 Notice of Deposition of Aruba Networks, Inc.;

(c) The December 22, 2009 continued deposition of Yuval Dovev;

2

(d) Any discovery conducted pursuant to Aruba's October 14, 2009 subpoena *duces tecum* served on Tata Elxsi Limited; and

(e) Any discovery reasonably related to the authenticity of documents or their status as business records, including but not limited to (i) the parties' ongoing efforts to reach a business records stipulation, (ii) any pending or additional formal requests for admission, or (iii) any other formal or informal discovery.

(2) The parties shall submit their respective opening and rebuttal expert reports by December 23, 2009 and January 26, 2010, respectively, based on any information that is known or reasonably available to them as of those respective dates.

(3) Should a party learn, during discovery conducted after December 21, 2009, any information that was not known or reasonably available to the party prior to that date, the party shall have seven calendar days after discovery of that new information to update any previously served opening expert report(s) to incorporate the new information.

(4) An opposing party shall, following service of any amended or supplemental opening expert report, then have seven calendar days to supplement any previously served rebuttal expert report to address only the new information contained in that amended or supplemental opening report.

(5) The parties may amend the agreement set out in this submission only through a further written agreement or by seeking a further Order of this Court.

SIGNED this 30th day of December, 2009.

_____
CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE